

REMARKS

Claims 1-21 are pending in this application. By this Amendment, claims 8 and 14-21 are amended.

The Office Action objects to claims 15-21 because of informalities. It is respectfully submitted that the above amendments obviate the grounds for objection.

The Office Action rejects claims 1-21 under 35 U.S.C. § 102(e) by U.S. Patent No. 6,223,183 to Smith et al. (hereinafter Smith). The rejection is respectfully traversed.

The present application has a U.S. filing date of January 28, 2000. In contrast, U.S. Patent No. 6,223,183 to Smith has a U.S. filing date of January 29, 2000. Thus, the Smith patent is not proper prior art based on the U.S. effective filing date.

The Smith patent appears to claim benefit to U.S. Provisional Application No. 60/117,695 filed January 29, 1999 (hereinafter the Smith provisional application). As such, the alleged filing date of the Smith provisional application is prior to the U.S. effective filing date of the U.S. application. In view of this, Applicant's undersigned attorney contacted Examiner Nguyen on December 18, 2003 to discuss this issue and to request a copy of the Smith provisional application.

On December 19, 2003, Examiner Nguyen contacted Applicant's undersigned attorney to indicate that Applicant should file a response to the outstanding Office Action by asserting that the Smith patent does not have a U.S. effective filing date prior to the U.S. effective filing date of the present application. As such, Applicant is respectfully traversing the outstanding rejection of the Smith patent in view of the Examiner's comments and without review of the Smith

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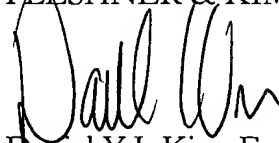
provisional application (since the U.S. Patent and Trademark Office was unable to provide a copy of the Smith provisional application at this time). That is, without any basis in which to review the Smith provisional application, Applicant is unable to determine whether proper prior art exists with respect to the present application. Therefore, because the U.S. Patent and Trademark Office has not provided the Smith provisional application, the outstanding rejection based upon the Smith patent should be withdrawn.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, David C. Oren, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Daniel Y.J. Kim, Esq.
Registration No. 36,186
David C. Oren, Esq.
Registration No. 38,694

P.O. Box 221200
Chantilly, VA 20153-1200
703 776-3701 DYK/DCO:knv/kam
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